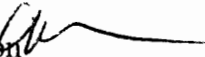


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NEW YORK 10007-1581
(212) 805-6325

CHAMBERS OF
COLLEEN MCMAHON
UNITED STATES DISTRICT JUDGE

24 February 2011

TO ALL COUNSEL IN: Inventio v. Otis (06 Civ. 5377)(CM)
FROM: Judge McMahon 
RE: Trial Date

Counsel:

I have ruminated at length and I have concluded that I cannot figure out a way to handle this trial that will not create some difficulty in view of the anticipated ruling from the United States Supreme Court. I thought I could come up with a way to get two separate verdicts out of the jury, but frankly, short of empanelling two juries, I cannot make it work – and that would raise its own issues.

So I am now inclined to move the trial date to July 18 (or, if my criminal trial is in summations or deliberation to the first day after July 18 when the criminal trial is over). It would be extremely difficult for me to get yet another law clerk up to speed on this case – especially a brand new law clerk, which is what would happen were I to start the trial after Labor Day. A five or six day trial, which is what you both anticipate, would be over well before the end of the first week in August; and everyone could then go on vacation.

If for some VERY GOOD reason this does not work, then you will have to start the trial on September 12 without fail. But I would much prefer the July date.

By the way, if the Supreme Court fails to rule by the close of the term, we are still going to trial, using the Federal Circuit standard. I cannot put this case off for another year.

I have another trial assignment hanging fire. Please get back to Mariela de Jesus TODAY with your answer.

